

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OREGON TANK & EQUIPMENT, INC.,)	
)	
Plaintiff,)	Civ. No. 05-6330-HO
)	
)	
v.)	ORDER
)	
MARVIN KLITZKE and WALDEN'S OF)	
EUGENE, LLC.,)	
)	
Defendants.)	
_____)	

Plaintiff moves to compel production of documents. Plaintiff specifically seeks documents related to agreements regarding the purchase of Old Waldens, the financial performance of Old Waldens and New Waldens, invoices, inventory orders, correspondence with the Secretary of State of Oregon, and records of telephonic conversations regarding Old and New Waldens. It appears that defendant Klitzke has now provided the documents requested, but to the extent defendant Klitzke has not provided all documentation

requested, the motion is granted. However, because the court is not convinced that either party has made a good faith effort regarding discovery in this case, the motion for attorney fees related to the motion to compel is denied.

Plaintiff also moves for an entry of default against defendant Walden's of Eugene, LLC. The court has previously ordered Defendant Walden's to retain counsel to file an appearance on its behalf. Defendant has not retained counsel to file an answer on Walden's behalf. In addition, defendant Klitzke filed a notice that he will proceed pro se in this action. A corporation may appear in federal court only through licensed counsel. Rowland v. California Men's Colony, 506 U.S. 194, 202 (1993). Accordingly, plaintiff's motion for an entry of default against defendant Walden's of Eugene is granted.

CONCLUSION

For the reasons stated above, plaintiff's motions to compel (#47) and for entry of default (#66) are granted. The clerk is directed to enter defendant Walden's of Eugene, LLC's default.

DATED this 19th day of July, 2006.

s/ Michael R. Hogan
United States District Judge